| 1 2 3 | Ian P. Fellerman (SBN 119725) Email: ifellerman@reedsmith.com REED SMITH LLP 1999 Harrison Street, Suite 2400 Oakland, CA 94612-3572 | |
|-------------|--|---|
| 4 5 | Mailing Address: P.O. Box 2084 Oakland, CA 94604-2084 | |
| 6 7 8 | Telephone: 510.763.2000 Facsimile: 510.273.8832 Attorneys for Defendant PODS, Inc. | |
| 9 | UNITED STATES DISTRICT COURT | |
| 10 | NORTHERN DISTRICT OF CALIFORNIA | |
| 11 | ISAAC TANNER, | Case No. C07-02392 JL |
| 12 | Plaintiff, | DECLARATION OF IAN P. FELLERMAN IN SUPPORT OF DEFENDANT'S |
| 13 | vs. | OPPOSITION TO PLAINTIFF'S MOTION TO REMAND |
| 14 | PODS, INC., et al., Date: July 11, 2007 | |
| 15 | Defendants. | Time: 9:30 a.m. Courtroom: F, 15th Floor |
| 16 | | Hon, James Larson |
| 17 | | |
| 18 | | |
| 19 | I, Ian P. Fellerman, declare as follows: | |
| 20 | | |
| 21 | 1. I am an attorney at Reed Smith LLP, counsel for Defendant PODS, Inc. in this | |
| 22 | action. As such, I have personal knowledge of the facts stated herein and could competently | |
| 23 | testify thereto. | |
| 24 | | |
| 25 | 2. On April 10, 2007, Plaintiff's counsel mailed me the Summons and Complaint, | |
| 26 | together with a Notice and Acknowledgment of Receipt form. I signed the Notice and | |
| 27 | Acknowledgment of Receipt on April 12, 2007 and returned it to Plaintiff's counsel. A copy of | |
| 28 | the signed Notice and Acknowledgment of Receipt form is attached as Exhibit 1. | |
| | _ | 1 — DOCSOAK-9875970.1 |

Declaration Of Ian P. Fellerman In Support Of Defendant's Opposition To Plaintiff's Motion To Remand

REED SMITH LLP A limited liability partnership formed in the State of Delaware Case 3:07-cv-02392-JL Document 13 Filed 06/19/2007 Page 1 of 4

3.

A limited liability partnership formed in the State of Delaware

REED SMITH LLP

On May 2, 2007, I filed Defendant's Notice of Removal of this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed this day of June 2007, at Oakland, California.

Ian P. Fellerman

TO (insert name of party being served): PODS, INC.

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: April 10, 2007 M. VAN SMITH (TYPE OR PRINT NAME) (SIGNATURE OF SENDER-MUST NOT BE A PARTY IN THIS CASE) **ACKNOWLEDGMENT OF RECEIPT**

This acknowledges receipt of (to be completed by sender before mailing):

A copy of the summons and of the complaint.

Other (specify):

(To be completed by recipient):

Date this form is signed:

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,

ON WHOSE BEHALF THIS FORM IS SIGNED)

PODS. IRC.

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

Exhibit 1

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A limited liability partnership formed in the State of Delaware

REED SMITH LLP

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1999 Harrison Street, Suite 2400, Oakland, CA 94612-3572. On June 19, 2007, I served the following document(s) by

the method indicated below:

DECLARATION OF IAN P. FELLERMAN IN SUPPORT OF

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO REMAND

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

M. Van Smith 1696 Mendenhall Drive San Jose, CA 95130 (408) 364-1062 (T) (408) 273-6496 (F)

I declare under penalty of perjury under the laws of the State of California that the

above is true and correct. Executed on June 19, 2007, at Oakland, California.